

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

**IN RE PAYMENT CARD INTERCHANGE
FEE AND MERCHANT DISCOUNT
ANTITRUST LITIGATION**

This Document Relates to:

***Smith v. Visa U.S.A., Inc., et al.*, No. 13-cv-04582 (E.D.N.Y.) (JG) (JO).**

No. 14-md-01720 (JG) (JO)

**PLAINTIFF'S STIPULATION AND
ORDER OF DISMISSAL WITH
PREJUDICE OF ALL CLAIMS
AGAINST THE VISA DEFENDANTS
AND THE MASTERCARD
DEFENDANTS**

WHEREAS plaintiff in the action *Smith v. Visa U.S.A., Inc., et al.*, No. 13-cv-04582 (E.D.N.Y.) (JG) (JO), which is included in *In re Payment Card Interchange Fee and Merchant Discount Antitrust Litigation*, 1:05-md-01720-JG-JO (E.D.N.Y.) ("Plaintiff"), having fully settled all of its claims against the Defendants Visa U.S.A. Inc., Visa International Service Association, and Visa Inc. (collectively the "Visa Defendants"), and MasterCard International Incorporated and MasterCard Incorporated (collectively the "MasterCard Defendants"), by and through its undersigned counsel, hereby stipulates and agrees, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), that Plaintiff's claims and action against the Visa Defendants and the MasterCard Defendants be dismissed with prejudice, and with each side to bear its own attorneys' fees and costs.

Accordingly, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the claims and action of the Plaintiff be and hereby are dismissed with prejudice, with each side to bear its own attorneys' fees and costs.

Dated: 9/12, 2014.

PEARSON, SIMON & WARSHAW, LLP

By: 

Clifford H. Pearson
Daniel L. Warshaw
Alexander R. Safyan
15165 Ventura Boulevard, Suite 400
Shearman Oaks, CA 91403
(818) 788-8300
cpearson@pswlaw.com

Bruce L. Simon
Aaron M. Sheanin
44 Montgomery Street, Suite 2450
San Francisco, CA 94104
bsimon@pswlaw.com

Attorneys for Plaintiff in the Smith Action

ARNOLD & PORTER LLP

By: 

Robert C. Mason
399 Park Avenue
New York, NY 10022
(212) 715-1000
robert.mason@aporter.com

Robert J. Vizas
Three Embarcadero Center, 10th Floor
San Francisco, CA 94111


Mark R. Merley
Matthew A. Eisenstein
555 12th Street, NW
Washington, DC 20004

HOLWELL SHUSTER & GOLDBERG LLP

Richard J. Holwell
Michael S. Shuster
Demian A. Ordway
Zachary A. Kerner
125 Broad Street, 39th Floor
New York, NY 10004
(646) 837-5151
mshushter@hsgllp.com

*Attorneys for Defendants Visa U.S.A. Inc., Visa
International Service Association, and Visa Inc.*

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

By: 
Kenneth A. Gallo
2001 K Street, NW
Washington, DC 20006
(202) 223-7300
kgallo@paulweiss.com

Andrew C. Finch
Gary R. Carney
1285 Avenue of the Americas
New York, NY 10019

WILLKIE FARR & GALLAGHER LLP

Keila D. Ravelo
Wesley R. Powell
Matthew Freimuth
787 Seventh Avenue
New York, NY 10019
(212) 728-8000
kravelo@willkie.com

*Attorneys for Defendants MasterCard
Incorporated and MasterCard International
Incorporated*

SO ORDERED:

Dated:

Brooklyn, New York

United States District Judge